Hugo Pienaar

Sector Head, Director

Professor Hugo Pienaar is a Director in our Employment Law practice and Head of the Transport & Logistics sector. He has vast experience in employment law and litigation and dispute resolution matters and represents most of the major corporations in South Africa. Hugo publishes on a regular basis on various employment law topics and has done a number of television and radio interviews.

About Hugo

Hugo Pienaar acted as a judge in the Labour Court, lectures part time in employment law subject to post-graduates at various tertiary institutions, the Da Vinci Institute, and similarly, for the Law Society of South Africa. He has contributed to textbooks and served on the government task team established to compile labour legislation for the State. Hugo has lead a study group to Malaysia and Australia to research the application of affirmative action. He has also advised on and helped to develop a labour framework for a major institution in the United Arab Emirates. In addition, Hugo has advised on labour framework for a Japanese based motor manufacturing company and visited the Jakarta, Bangkok and other international plants for such purpose.

Credentials

Education

- BJuris Cum Laude, LLB, North West University
- Extraordinary Professor, North West University
- Associated and contributed to articles and reports on discrimination at Stellenbosch Business School
- Admission as an attorney: 1983
- Enrolled with the Legal Practice Council

Membership

- The South African Society for Labour Law (SASLAW)

Experience

- **Legal principles in labour law**

  Establishing new legal principles in labour law with regard to strikes and enforcing of restraint applications.

Contact Hugo

+27 (0)21 481 6317

hugo.pienaar@cdhlegal.com

Expertise

Employment Law

Transport & Logistics

Location

Cape Town

Language

English

Afrikaans

- **Mergers and acquisitions**

  Advising on mergers and acquisitions as well as restructuring of companies.

- **bargaining and facilitating**

  Collective bargaining and facilitating negotiations.

- **Employment**

  Employment equity, equal pay and discrimination disputes.

- **Affirmative action**

  Implementation of affirmative action programmes.

- **Mediating disputes**

  Facilitating and mediating disputes.

- **Strike related actions**

  Handling and interdicting of strikes and strike related actions.

- **Retrenchments**

  Managing retrenchments and redundancies.

- **Employment related matters**

  Strategising on all employment related matters.

News

COSATU's nationwide protest: Monday, 7 October 2024

The Congress of South Africa Trade Unions (COSATU) has notified the National Economic Development and Labour Council (NEDLAC) of its intention to hold nationwide protests in all majormetropolises.

Pre-arbitration minute or not?

The recent judgment of the Labour Appeal Court (LAC) in Mbeje and Others v Department of Health: KwaZulu-Natal and Others (DA33/2022) ZALAC highlighted the role, and binding nature of, pre-arbitration minutes in labour disputes

What would the "reasonable employer" do?

On 8 July 2024 the High Court of South Africa, Free State Division, Bloemfontein delivered judgment in the decade-long case of Louw v Fourie NO and Another (3074/2016) ZAFSHC137. The matter involved Tilana Alida Louw, a theatre manager at Netcare Universitas Hospital in Bloemfontein who was pursuing a claim for damages under the actio iniuriarum in the amount of R627,000 (with interest and costs) against Dr S P Grobler, the first defendant, and Netcare Universitas Hospital, the second defendant. Grobler had conducted a private practice at Netcare and had performed surgeries at the hospital's surgical theatres, making use of its staff

Sick leave and the sick note: Entitlements and abuse

With flu season upon us, sick leave is on the rise. Therefore, it is imperative that employers familiarise themselves with the sick leave entitlements set out in the Basic Conditions of Employment Act 75 of 1997 (BCEA).

Justice delayed could mean suspension without pay

In the case of Mark Strydom v ArcelorMittal South Africa J17647/2023, Mr Strydom approached the Labour Court on an urgent basis for an order that the decision taken by ArcelorMittal on 5 December 2023 to suspend him without pay, be declared unlawful and null and void, alternatively be set aside.

Videos

Another draft Employment Equity economic sector targets: Have comments been considered?

The republished regulations for EE Sector targets

CDH Director Hugo Pienaar from our Employment Law practice appeared in Newzroom Afrika to discuss the Minister of Employment and Labour republishing draft regulations for sector targets that afford interested parties 90 days to comment on the proposals (republished regulation).

Productivity in the workplace during major sporting events.

Employment Law Director, Hugo Pienaar joined Newzroom Africa to discuss productivity in the workplace during major sporting events.

The possibility of compulsory COVID-19 vaccinations in the workplace

Hugo Pienaar, Director in our Employment Law practice joined eNCA to discuss the NEDLAC agreement and the possibility of compulsory COVID-19 vaccinations in the workplace. He explains the consultation process that employers will need to undertake, if they would like to implement compulsory vaccinations.

Vaccinations policy in the workplace

Hugo Pienaar, Director in the Employment Law practice featured on an eNCA interview discussing the vaccinations policy in the workplace and the ten legal principles that should be considered when deciding to create or implement such a policy.

Podcasts

Understanding Strikes in South Africa: Insights for Employers

As South Africa grapples with a surge in industrial action and violent strikes, it is imperative for employers to stay abreast of South Africa's labour laws to mitigate risks effectively and to safeguard their interests.

Preparing for the Department

Prof Hugo Pienaar and Leila Moosa discuss employment policy and procedure requirements that employers should have front of mind when considering how the employment equity amendments may impact their business and its implementation of the Employment Equity Act, 1998.

An effort to fast-track transformation – The proposed Amendments to the Employment Equity Act and their implications on industry

In this episode of CDH Conversations, Professor Hugo Pienaar and Abigail Butcher discuss the Employment Equity Amendment Bill, which is likely to be promulgated in late 2023, and the impact that its promulgation will have on employers. The proposed amendments include a change to the definitions of "designated employer" and "people with disabilities", the removal of the requirement for HPCSA certification in respect of psychological testing, the introduction of sectoral numerical targets by the Minister and the practicalities around the submission of employment equity reports.

Tattoos in the workplace

Are your employees tattoos visible when they wear a suit and tie? And is it even relevant if they are? Hugo Pienaar, Director in our Employment Law practice discussed the topic with 567 Cape Talk's Jonathan Maytham.

Work from home becoming a legal right

On the other side of the sea, the Dutch parliament has approved to make work-from-home a legal right. Hugo Pienaar, Director in our Employment Law practice, discusses the likeness of this ruling in South Africa with Cape Talk. Listen to his interview here.

All news by Hugo Pienaar →

Recognition

- Chambers Global 2014–2024 ranked Hugo in Band 2 for employment.
- The Legal 500 EMEA 2014–2024 recommended him for employment.
- He was the exclusive South African winner of the ILO Client Choice Awards 2017 and 2019 in the employment and benefits category.